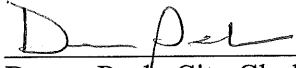


I Donna Peek, City Clerk for the City of Danville do hereby certify that this is a true and correct copy of Ordinance #1856 passed by the Commission on 04/13/2015.


Donna Peek, City Clerk

RECEIVED AND FILED
DATE October 1, 2015

ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Handie Addison

ORDINANCE NO. 1856

AN ORDINANCE OF THE CITY OF DANVILLE, KENTUCKY, PROPOSING TO ANNEX TWO TRACTS TO THE CITY OF DANVILLE, THE FIRST TRACT BEING THE UNINCORPORATED TERRITORY LYING ADJACENT TO AND CONTIGUOUS WITH THE PRESENT CITY BOUNDARIES, LOCATED ON THE INTERSECTION OF KY HWY 34 AND KY HWY 2168, WHICH PROPERTY IS OWNED BY NEWCOMB OIL, LLC, CONSISTING IN THE WHOLE OF 10.530 ACRES, MORE OR LESS, AND BEING MORE ACCURATELY DESCRIBED BELOW; AND THE SECOND TRACT BEING THE UNINCORPORATED TERRITORY LYING ADJACENT TO AND CONTIGUOUS WITH THE PRESENT CITY BOUNDARIES, LOCATED AT THE INTERSECTION OF KY HWY 33 AND KY HWY 2168, WHICH PROPERTY IS COMMONWEALTH OF KENTUCKY RIGHT OF WAY, CONSISTING IN THE WHOLE OF 0.830 ACRES, MORE OR LESS, AND BEING MORE ACCURATELY DESCRIBED BELOW.

WHEREAS, the City of Danville, Kentucky, has received a written consent to annexation pursuant to KRS 81A.412, from the property owner, Newcomb Oil Co., LLC, a Kentucky limited liability company, dated March 9, 2015, consenting to the annexation of the area hereinafter described; and

WHEREAS, the second tract is Commonwealth of Kentucky fee simple right of way, and the Commonwealth presents no objection to said annexation by the City of Danville; and

WHEREAS, the both tracts are along KY HWY 2168 and are contiguous or adjacent to the City's boundaries and by reason of population density, commercial, industrial, institutional, or governmental use of land, or subdivision of land, is urban in character or suitable for development for urban purposes without unreasonable delay, and no part of the area to be annexed is included within the boundary of another incorporated city; and

WHEREAS, the owner of the property to be annexed has consented in writing to the annexation via agreement dated March 9, 2015, and pursuant to KRS 81A.412, and other applicable

law, the City is not required to wait the 60 day period prior to enactment of a final ordinance annexing the area;

NOW, THEREFORE, be it ORDAINED by the City of Danville, Kentucky, as follows:

SECTION ONE: It is deemed desirable and it is hereby proposed to annex to the City of Danville, Kentucky, and extend the boundaries of the City of Danville to include same, that certain tract of land which is now embraced within the County of Boyle, and which is adjacent to and contiguous with the present City boundary and which, by reasons of population density, and commercial and industrial use of the land, is urban in character and suitable for development for urban purposes without unreasonable delay and which tract is more particularly described as follows:

TRACT ONE (INTERSECTION OF KY HWY 34 & KY HWY 2168):

This area being a part of the land acquired by the Commonwealth of Kentucky, Transportation Cabinet, Department of Highways, by deed from Thomas O. Nolan, Jr. & Janice M. Nolan dated the 28th day of December 2012, and of record in Deed Book 489, Page 738 in the Boyle County Clerk's Office AND being a part of the land acquired by Newcomb Oil Co., LLC by deed from Thomas O. Nolan, Jr. & Janice M. Nolan dated the 31st day of December, 2013, and of record in Deed Book 499, Page 075 in the Boyle County Clerk's Office.

BEGINNING at a point (no monument set) on the north side of Hwy 34, being S70°01'30"W – 10.72' from Right-of-Way monument (found) on the north side of Hwy 34, being approximately 0.3 miles from the intersection of the centerlines of Hwy 2168 and Hwy 34, said point being on the current city limits boundary line as defined by Ordinance No. 1391, said point having KY South Zone (NAD 83) Coordinates of N=2127244.53 E=1933332.38, and **being the POINT OF BEGINNING for this description;**

Thence leaving said point and crossing Hwy 34 with the current city limits boundary line as defined by Ordinance No. 1391 the following three (3) courses: S03°58'21"E – 38.64' to a point, S61°00'55"W – 238.65' to a point, and S53°52'20"W – 181.33' to a point on the south side of Hwy 34;

Thence with the current city limits boundary line as defined by Ordinance No. 1391, S47°54'23"W passing a Right-of-Way monument (Commonwealth of Kentucky, Deed Book 489, Page 738) at 64.72' and continuing on 669.63' for a TOTAL of 734.35' to an iron pin found, said pin being on the southeastern boundary line of Newcomb Oil Co., LLC (Deed Book 499, Page 075) and on the current Danville City Limits line as defined by Ordinance No. 1391;

Thence with the boundary line of Newcomb Oil Co., LLC (Deed Book 499, Page 075) and the current Danville City Limits line as defined by Ordinance No. 1391, N45°38'28"W – 9.73' to an iron pin found, said pin being on the southeastern line of Newcomb Oil Co., LLC (Deed Book 499, Page 075) and on the current Danville City Limits line as defined by Ordinance No. 1391;

Thence with the current Danville City Limits line as defined by Ordinance No. 1391, S47°43'46"W passing a Right-of-Way monument (Commonwealth of Kentucky, Deed Book 489, Page 738) at 316.76' and continuing on 85.61' for a TOTAL OF 402.37' to a point on the current Danville City Limits line as defined by Ordinance No. 1391, said point being in the middle of Old Lexington Road;

Thence leaving Old Lexington Road with the current Danville City Limits line as defined by Ordinance No. 1391, N32°10'51"W – 221.79' passing two (2) Right-of-Way monuments (Commonwealth of Kentucky, Deed Book 489, Page 738) at 71.26' and 210.91' to a point on the current Danville City Limits line as defined by Ordinance No. 1391;

Thence with the current Danville City Limits line as defined by Ordinance No. 1391, crossing Hwy 34 and Hwy 2168, N49°48'52"W – 393.52' to a Right-of-Way monument, said monument being on the northern boundary line of Hwy 2168 (Commonwealth of Kentucky, Deed Book 489, Page 738), being the southeastern corner of Horn Family, LLC (Deed Book 400, Page 290), and being on the current Danville City Limits line as defined by Ordinance No. 1391;

Thence with the eastern boundary line of Horn Family, LLC (Deed Book 400, Page 290), the Right-of-Way line of Hwy 2168 (Commonwealth of Kentucky, Deed Book 489, Page 738), and the current Danville City Limits line as defined by Ordinance No. 1391, N49°14'57"W – 67.62' to a Right-of-Way monument, said monument being on the northern Right-of-Way line of Hwy 2168 (Commonwealth of Kentucky, Deed Book 489, Page 738), the eastern boundary line of Horn Family, LLC (Deed Book 400, Page 290), being the southwestern corner of James V. Nolan & Thomas O. Nolan Jr. (Deed Book 187, Page 526), and being on the current Danville City Limits line as defined by Ordinance No. 1391;

Thence leaving Horn Family, LLC (Deed Book 400, Page 290) and the current Danville City Limits line as defined by Ordinance No. 1391, with the northern Right-of-Way line of Hwy 2168 (Commonwealth of Kentucky, Deed Book 489,

Page 738) and the southern boundary line of James V. Nolan & Thomas O. Nolan Jr. (Deed Book 187, Page 526), the following nine (9) courses: N83°01'01"E - 64.22' to a Right-of-Way monument, N69°54'07"E - 215.09' to a Right-of-Way monument, S19°59'00"E - 40.00' to a Right-of-Way monument, N66°10'37"E - 74.99' to a Right-of-Way monument, N72°24'24"E - 600.78' to a Right-of-Way monument, N53°09'22"E - 52.09' to a Right-of-Way monument, N81°22'39"E - 101.91' to a Right-of-Way monument, N69°20'47"E - 598.96' to a Right-of-Way monument, and N70°01'30"E - 51.65' to the POINT OF BEGINNING and containing 10.530 acres by survey. For a depiction of the above description see Plat Slide 1950A in the Boyle County Clerk's Office.

All bearings are referenced to grid north of the Kentucky State Plane Coordinate System – South Zone (NAD83).

This description prepared from a physical survey conducted by Douglas G. Gooch, AGE Engineering Services, Inc., Ky. P.L.S. #3118, dated the 15th day of January, 2015.

TRACT TWO (INTERSECTION OF KY HWY 33 & KY HWY 2168):

This area being a part of the land acquired by the Commonwealth of Kentucky, Transportation Cabinet, Department of Highways, by deed from J. Clemens Caldwell & Peggy Caldwell dated the 12th day of February, 1992, and of record in Deed Book 298, Page 466 in the Boyle County Clerk's Office.

BEGINNING at a point (no monument set) on the west side of Hwy 33, being N84°50'37"W – 100.08' from Right-of-Way monument (found) on the east side of Hwy 33, being approximately 180' south of the intersection of the centerlines of Hwy 2168 and Hwy 33, said point being on the current city limits boundary line as defined by Ordinance No. 1391, said point having KY South Zone (NAD 83) Coordinates of N=2131041.69 E=1925650.74, and **being the POINT OF BEGINNING for this description;**

Thence leaving said point and crossing the Commonwealth of Kentucky (Deed Book 298, Page 466), N54°47'44"W – 66.61' to the corner of the Hwy 2168 Right-of-Way fence (found), said fence corner being on the eastern line of J. Clemens Caldwell Family, LLC (Deed Book 377, Page 296) and the southern line of the Commonwealth of Kentucky (Deed Book 298, Page 466);

Thence with the Hwy 2168 Right-of-Way fence (Commonwealth of Kentucky, Deed Book 298, Page 466) and the line of J. Clemens Caldwell Family, LLC (Deed Book 377, Page 296), N32°44'51"W – 93.79' to the corner of the Right-of-Way fence (found), said fence corner being on the northern line of J. Clemens Caldwell

Family, LLC (Deed Book 377, Page 296) and the southern line of the Commonwealth of Kentucky (Deed Book 298, Page 466);

Thence leaving J. Clemens Caldwell Family, LLC (Deed Book 377, Page 296), and crossing Hwy 2168 (Commonwealth of Kentucky, Deed Book 298, Page 466), N04°37'08"E – 210.02' to the corner of the Right-of-Way fence (found), said fence corner being on the southern line of J. Clemens Caldwell Family, LLC (Deed Book 377, Page 296) and the northern line of the Commonwealth of Kentucky (Deed Book 298, Page 466);

Thence with the Hwy 2168 Right-of-Way fence (Commonwealth of Kentucky, Deed Book 298, Page 466) and the line of J. Clemens Caldwell Family, LLC (Deed Book 377, Page 296), N55°21'20"E – 78.11' to the corner of the Right-of-Way fence (found), said fence corner being on the eastern line of J. Clemens Caldwell Family, LLC (Deed Book 377, Page 296) and the northern line of the Commonwealth of Kentucky (Deed Book 298, Page 466);

Thence leaving J. Clemens Caldwell Family, LLC (Deed Book 377, Page 296) and crossing the Commonwealth of Kentucky (Deed Book 298, Page 466), S84°50'37"E – 57.24' to a point on the west side of Hwy 33 (no monument set), said point being on the current city limits boundary line as defined by Ordinance No. 1391;

Thence with the current city limits boundary line as defined by Ordinance No. 1391, S05°09'23"W – 367.37' to the POINT OF BEGINNING and containing 0.830 acres by survey. For a depiction of the above description see Plat Slide 1950B in the Boyle County Clerk's Office.

All bearings are referenced to grid north of the Kentucky State Plane Coordinate System – South Zone (NAD83).

This description prepared from a physical survey conducted by Douglas G. Gooch, AGE Engineering Services, Inc., Ky. P.L.S. #3118, dated the 15th day of January, 2015.

SECTION TWO: The City Clerk is authorized and directed to immediately publish this Ordinance pursuant to KRS Chapter 424 in the Advocate Messenger of Danville, Kentucky, and it shall take effect from and after its passage, signing, and publication as required by law.

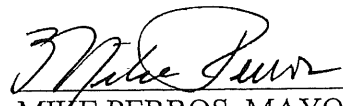
SECTION THREE: If any section, sentence, clause, or portion of this Ordinance is for any reason declared illegal, unconstitutional, or otherwise invalid, such declaration shall not affect the remaining portions thereof.

GIVEN FIRST READING AND PASSED 3/23/2015.

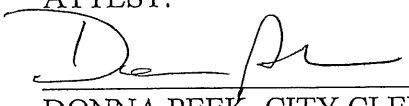
GIVEN SECOND READING AND PASSED 4/13/2015.

DATE OF PUBLICATION 5/6/2015.

APPROVED:


MIKE PERROS, MAYOR
CITY OF DANVILLE, KENTUCKY

ATTEST:


DONNA PEEK, CITY CLERK
CITY OF DANVILLE, KENTUCKY

W:\Common File\City of Danville\Ordinances (2015)\Annexation Ordinance - 2168 3.23.14.doc

ATTACHMENT 4(a)
NAMES AND ADDRESSES OF
PROPERTY OWNERS WITHIN THE ANNEXED AREA
KRS 81A.475

Newcomb Oil Co., LLC
1360 East John Rowan Blvd.
Bardstown, KY 40004

ATTACHMENT 4(b)
NAMES AND ADDRESSES OF
REGISTERED VOTERS RESIDING WITHIN THE ANNEXED AREA

None

ANNEXATION AREA DESCRIPTION (14334 REC_33A)

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Thence with the Hwy 2168 Right-of-Way fence (Commonwealth of Kentucky, Deed Book 298, Page 466) and the line of J. Clemens Caldwell Family, LLC (Deed Book 377, Page 296), N32°44'51"W – 93.79' to the corner of the Right-of-Way fence (found), said fence corner being on the northern line of J. Clemens Caldwell Family, LLC (Deed Book 377, Page 296) and the southern line of the Commonwealth of Kentucky (Deed Book 298, Page 466);

Thence leaving J. Clemens Caldwell Family, LLC (Deed Book 377, Page 296), and crossing Hwy 2168 (Commonwealth of Kentucky, Deed Book 298, Page 466), N04°37'08"E – 210.02' to the corner of the Right-of-Way fence (found), said fence corner being on the southern line of J. Clemens Caldwell Family, LLC (Deed Book 377, Page 296) and the northern line of the Commonwealth of Kentucky (Deed Book 298, Page 466);

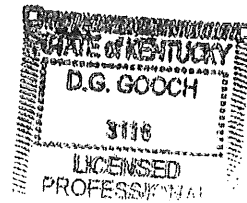
Thence with the Hwy 2168 Right-of-Way fence (Commonwealth of Kentucky, Deed Book 298, Page 466) and the line of J. Clemens Caldwell Family, LLC (Deed Book 377, Page 296), N55°21'20"E – 78.11' to the corner of the Right-of-Way fence (found), said fence corner being on the eastern line of J. Clemens Caldwell Family, LLC (Deed Book 377, Page 296) and the northern line of the Commonwealth of Kentucky (Deed Book 298, Page 466);

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a depiction of the above description see Plat Slide 1950 B in the Boyle County Clerk's Office.

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Zone (NAD83).

This description prepared from a physical survey conducted by Douglas G. Gooch, AGE
Engineering Services, Inc., Douglas G. Gooch Ky. P.L.S. #3118, dated the
15th day of January, 2015. 1/15/15



LEGEND

BOUNDARY LINES OF NEW ANNEX BOUNDARY

CORNERS OF NEW ANNEX BOUNDARY

EXISTING RIGHT-OF-WAY FENCE

RIGHT-OF-WAY MONUMENTS FOUND

ANNEXATION AREA DESCRIPTION (14334 REC_34A)

This area being a part of the land acquired by the Commonwealth of Kentucky, Transportation Cabinet, Department of Highways, by deed from Thomas O. Nolan, Jr. & Janice M. Nolan dated the 28th day of December 2012, and of record in Deed Book 489, Page 738 in the Boyle County Clerk's Office AND being a part of the land acquired by Newcomb Oil Co., LLC by deed from Thomas O. Nolan, Jr. & Janice M. Nolan dated the 31st day of December, 2013, and of record in Deed Book 499, Page 075 in the Boyle County Clerk's Office.

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Thence with the current city limits boundary line as defined by Ordinance No. 1391, $S47^{\circ}54'23''W$ passing a Right-of-Way monument (Commonwealth of Kentucky, Deed Book 489, Page 738) at $64.72'$ and continuing on $669.63'$ for a TOTAL of $734.35'$ to an iron pin found, said pin being on the southeastern boundary line of Newcomb Oil Co., LLC (Deed Book 499, Page 075) and on the current Danville City Limits line as defined by Ordinance No. 1391;

Thence with the boundary line of Newcomb Oil Co., LLC (Deed Book 499, Page 075) and the current Danville City Limits line as defined by Ordinance No. 1391, $N45^{\circ}38'28''W - 9.73'$ to an iron pin found, said pin being on the southeastern line of Newcomb Oil Co., LLC (Deed Book 499, Page 075) and on the current Danville City Limits line as defined by Ordinance No. 1391;

Thence with the current Danville City Limits line as defined by Ordinance No. 1391, $S47^{\circ}43'46''W$ passing a Right-of-Way monument (Commonwealth of Kentucky, Deed Book 489, Page 738) at $316.76'$ and continuing on $85.61'$ for a TOTAL OF $402.37'$ to a point on the current Danville City Limits line as defined by Ordinance No. 1391, said point being in the middle of Old Lexington Road;

Thence leaving Old Lexington Road with the current Danville City Limits line as defined by Ordinance No. 1391, $N32^{\circ}10'51''W - 221.79'$ passing two (2) Right-of-Way monuments

(Commonwealth of Kentucky, Deed Book 489, Page 738) at 71.26' and 210.91' to a point on the current Danville City Limits line as defined by Ordinance No. 1391;

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Thence with the eastern boundary line of Horn Family, LLC (Deed Book 400, Page 290), the Right-of-Way line of Hwy 2168 (Commonwealth of Kentucky, Deed Book 489, Page 738), and the current Danville City Limits line as defined by Ordinance No. 1391, N49°14'57"W – 67.62' to a Right-of-Way monument, said monument being on the northern Right-of-Way line of Hwy 2168 (Commonwealth of Kentucky, Deed Book 489, Page 738), the eastern boundary line of Horn Family, LLC (Deed Book 400, Page 290), being the southwestern corner of James V. Nolan & Thomas O. Nolan Jr. (Deed Book 187, Page 526), and being on the current Danville City Limits line as defined by Ordinance No. 1391;

Thence leaving Horn Family, LLC (Deed Book 400, Page 290) and the current Danville City Limits line as defined by Ordinance No. 1391, with the northern Right-of-Way line of Hwy 2168 (Commonwealth of Kentucky, Deed Book 489, Page 738) and the southern boundary line of James V. Nolan & Thomas O. Nolan Jr. (Deed Book 187, Page 526), the following nine (9) courses: N83°01'01"E - 64.22' to a Right-of-Way monument, N69°54'07"E - 215.09' to a Right-of-Way monument, S19°59'00"E - 40.00' to a Right-of-Way monument, N66°10'37"E - 74.99' to a Right-of-Way monument, N72°24'24"E - 600.78' to a Right-of-Way monument, N53°09'22"E - 52.09' to a Right-of-Way monument, N81°22'39"E - 101.91' to a Right-of-Way monument, N69°20'47"E - 598.96' to a Right-of-Way monument, and N70°01'30"E - 51.65' to the POINT OF BEGINNING and containing 10.530 acres by survey. For a depiction of the above description see Plat Slide 1950A in the Boyle County Clerk's Office.

All bearings are referenced to grid north of the Kentucky State Plane Coordinate System – South Zone (NAD83).

This description prepared from a physical survey conducted by Douglas G. Gooch, AGE Engineering Services, Inc., *Douglas G. Gooch* L.S. #3118, dated the 15th day of January, 2015. *1/15/15*



DATE: 01/15/2015
SCALE: 1" = 30'
DRAWN BY: LBH
APPROVED BY: GOOCH
FILENAME: 14334REC34A